

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GENERAL MOTORS CORPORATION
AND ADAM OPEL GMBH,

Plaintiffs,

-against-

FIAT S.p.A.; FIAT AUTO HOLDING B.V.;
and FIAT AUTO S.p.A.,

Defendants.

INDEX NO. 08 CV 4999 (DAB)

NOTICE OF MOTION

PLEASE TAKE NOTICE that upon the annexed declaration of Michael P. Millikin, sworn to on August 22, 2008, including the exhibits attached thereto, Plaintiffs' Separate Statement of Undisputed Material Facts pursuant to Rule 56.1 of the Local Civil Rules of the United States District Court for the Southern District of New York, the accompanying Memorandum of Law, and the pleadings herein, Plaintiffs will move this Court, before the Honorable Deborah A. Batts, United States District Judge at the United States Courthouse, 500 Pearl Street, New York, New York, for an order pursuant to Rule 56 of the Federal Rules of Civil Procedure granting Plaintiffs' cross-motion for summary judgment and directing Defendants to comply with the binding dispute resolution procedures of the Joint Ventures Separation Master Agreement, including by promptly cooperating with Plaintiffs to

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jointly select a mediator to facilitate and/or adjudicate a binding resolution to the parties’

Common Investment Dispute.

Dated: San Francisco, California
August 22, 2008

Respectfully submitted,

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By: _____/s/
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Adam Opel GmbH

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